

Appl. No. APP 1356
Amdt. Dated 08/10/2004
Reply to Office Action 07/30/2004

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REMARKS

Applicant notes with appreciation that the Examiner has stated that claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 3 has been amended to include the limitations of prior claims 1 and 2. Reconsideration and allowance of claim 3, as amended, are therefore requested.

Claims 4 through 20 have been canceled to expedite the prosecution of this application.

Claims 1 and 2 were rejected, 35 USC 102(e), as being anticipated by Fredette et al patent 6,697,361 (hereinafter Fredette). Applicant respectfully submits that Fredette not only does not anticipate applicant's invention but is, in fact, not relevant to applicant's invention.

Applicant's invention is directed to the problem of determining whether, in a network, a first port which includes a first set of terminations is connected to a second port which includes a second set of terminations. There is no teaching, disclosure, or suggestion in Fredette of either this problem or applicant's inventive solution thereof.

Fredette is concerned with aggregating data streams in a network using a label assignment together with an additional identifier called the "merge identifier" or MID. The MID is used to determine whether a previously used label can be reused. (Column 7, lines 8-18). The MID and the port to MID mappings, shown in Fig. 5 of Fredette, have nothing to do with the first and second set of terminations; specifically applicant refutes the Examiner's statement with respect to claim 1 that "the claimed first set of terminations read on input MID as indicated in Fig. 5 while the second set of terminations correspond to output MID". In Fredette there are no distinct input and output MIDs.

In addition, the paragraph at column 8, lines 19-23 says nothing about first and second sets of transitions; instead it discusses determining an appropriate output port and MID value. Similarly, the material identified by the Examiner at column 7, lines 19-35 describes "the steps followed by a switch in determining whether to assign a previously used or a new MID value". This again has no relevance to the two sets of terminations nor does it describe or suggest a determination of whether a first port is connected to a second port based on the comparison of the two sets of terminations.

Similarly, applicant refutes the Examiner's statement, with respect to applicant's claim 2, that "Fredette discloses that the determining information about the first and second set of terminations comprises determining for the first and second set of terminations at least one of path label information (column 5, lines 1-2)." That sentence must, of course, be read in context. Specifically, that sentence together with its preceding sentence, reads: "A data transfer is initiated at a source device using the network layer

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address (e.g., the IP address) of the destination. The source device is provided with an identifier, referred to as a 'label', to be used by the source device in transmitting data via ATM network 121." The use of a "label" in connection with the transmission of data has no relevance to determining information about two sets of terminations in connection with determining whether a first port is connected to a second port in a network.

In sum, applicant submits that claims 1 and 2 clearly can not be read on the Fredette disclosure and therefore that Fredette completely fails as an anticipation, 35 USC 102(e). Further, applicant submits that the Fredette teaching and disclosure are not suggestive of or render obvious applicant's invention, as recited in claims 1 and 2.

Reconsideration and allowance of claims 1 and 2 are therefore respectfully requested.

In as much as claim 3 has been deemed to be allowable, as written in independent form, and claims 1 and 2 are believed to be clearly allowable, as discussed above, it is submitted that this application is in condition to be passed to issue, and such action is respectfully requested. However, if the Examiner considers that it would in any way expedite the prosecution of the application, the Examiner is invited to telephone applicant's attorney at the number set forth below.

Respectfully submitted,

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